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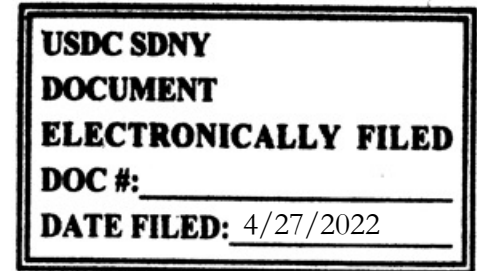
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April 27, 2022

**BY ECF**

Hon. Katharine H. Parker  
United States Magistrate Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007



Re: DeLuca, et al. v. City of New York, et al., 21 cv 10777 (MKV)(KHP)

Your Honor:

I am co-counsel for Plaintiffs in this matter. On March 30, 2022, the Court issued an Order (the “Order”, Dkt. No. 30) directing Plaintiffs’ counsel to “provide to Defendants draft proposed deposition questions and topics pertaining to the alleged Monell claim that is specific and unique to the Plaintiffs in this action and that do not overlap with *Monell* topics and questions that will be addressed in the cases pending before the Honorable Colleen McMahon that also involve arrests of demonstrators in June 2020 in the Mott Haven NYPD operation.” By operation of that part of the Order, Plaintiffs’ response is due April 29, 2022 – the day after the pretrial conference scheduled for 11:30 a.m. on April 28, 2022.

On April 13, 2022, Plaintiffs timely filed a motion for reconsideration of the above-quoted part of the Order (the “Reconsideration Motion,” Dkt. No. 31)<sup>1</sup>. In the Reconsideration Motion, Plaintiffs have attempted to comply with that part of the Order directing Plaintiffs to provide relevant *Monell* topics (*see, e.g.*, Dkt. No. 31-1 pp. 7-8), and ultimately asked that the Court reconsider (and/or clarify) that part of the Order. In sum, Plaintiffs are asking that the Court enter into a coordination order in this case similar to the Order Judge Liman recently entered into in *Sukana* (*see* Dkt. No. 31-4); relieve Plaintiffs of the requirements in the Order to provide further information about *Monell* topics and questions prior to overlapping *Monell* depositions in the Consolidated Actions; and allow the parties in the Consolidated Actions to work out, with intervention from the Court in the Consolidated Actions if necessary, whether, and how much, time to reserve in the relevant depositions in the Consolidated Actions for *DeLuca*-specific questions.

<sup>1</sup> With apologies to the Court and opposing counsel, I made a few typographical errors in the Reconsideration Motion that I would like to point out, as follows (with emphasis added to the corrections): The end of the second sentence of the second paragraph on page 2 should read: “...at which the **DeLuca and Sukana** Plaintiffs were.” The first full sentence that precedes the list on page 5 should read “...relevant to the **DeLuca** Plaintiffs’ claims”.

Unless the Court orders otherwise, Defendants' response to the Reconsideration Motion is due on April 28, 2022, the same date as the pretrial conference, and Plaintiffs' reply is due a week later, on May 5, 2022.

In light of the timing outlined above, including the procedural status of the Reconsideration Motion, I now write to request that the Court (1) extend the time within which Plaintiffs must further comply with the Order regarding topics and questions until after the Court decides the Reconsideration Motion on the merits; and (2) adjourn the pretrial conference scheduled for 11:30 a.m. on April 28, 2022 until a reasonable date certain, to be set by the Court, after the Reconsideration Motion is fully briefed or decided.

**Defendants' position:** Defendants consent to this application.

Thank you for your attention to this matter.

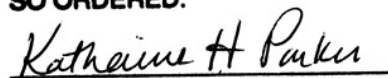
Respectfully submitted,

/s/

Gideon Orion Oliver

**APPLICATION GRANTED.** The Court adopts the parties' proposed briefing schedule. Plaintiffs need not provide the contemplated draft questions until the motion for reconsideration is decided. The case management conference scheduled for April 28, 2022 is hereby adjourned to **June 30, 2022 at 10:00 a.m. in Courtroom 17-D, United States Courthouse, 500 Pearl Street, New York, NY 10007.**

**SO ORDERED:**

  
**HON. KATHARINE H. PARKER**  
**UNITED STATES MAGISTRATE JUDGE**

4/27/2022